

EXHIBIT 4

Jeannie Evans

From: Jeannie Evans
Sent: Friday, December 29, 2023 4:18 PM
To: Matthew.Valenti@lw.com; Serrin.Turner@lw.com; Doug Smith
Cc: mark.mester@lw.com
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)
Attachments: Ziboukh - Motion for Extension of Time(147287548.4)_Pltff redline.docx; RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Matt,

Two comments:

1. Because Defendants have indicated that they intend to file a motion to compel arbitration, rather than a motion to dismiss, Plaintiffs will likely need discovery related to the arbitration issue. So we are not in a position to agree to a proposed briefing schedule until we see Defendants' motion to compel and understand what discovery may be necessary.
2. Nonetheless, Plaintiffs remain willing to agree to Defendants' proposed extension to 2/9 to answer or otherwise respond if Defendants remain willing to agree to a minimum 45-day interval for Plaintiffs to file their opposition brief (after any motion is filed). As noted above, we will likely need discovery which will extend this timeline, but we are asking for Defendants' agreement to a minimum of 45 days. (Your draft motion lists a 3/11 response deadline, which was not correct; the parties had discussed a 3/26 response deadline – approx. 45 days after the 2/9 motion deadline. See attached email chain and draft status report. We missed this change in the draft you circulated Wednesday.)

If Defendants agree, Plaintiffs consent to Defendants filing an unopposed motion for extension, as revised in the attached redline.

I will be available after 5:00 pm CT if you want to discuss any of this.

Thanks,
Jeannie

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Jeannie Evans | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

From: Matthew.Valenti@lw.com <Matthew.Valenti@lw.com>
Sent: Friday, December 29, 2023 11:16 AM
To: Serrin.Turner@lw.com; Jeannie Evans <jeannie@hbsslaw.com>; dsmith <dsmith@aureliuslawgroup.com>
Cc: mark.mester@lw.com
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Jeannie,

I attached a revised draft of the motion, which is now captioned as an unopposed motion per your request. Please confirm this draft is acceptable. We plan to file by close of business today.

Thank you,
Matt

From: Turner, Serrin (NY) <Serrin.Turner@lw.com>
Sent: Thursday, December 28, 2023 7:24 PM
To: Jeannie Evans <jeannie@hbsslw.com>; dsmith <dsmith@aureliuslawgroup.com>
Cc: Valenti, Matthew (NY) <Matthew.Valenti@lw.com>; Mester, Mark (CH) <mark.mester@lw.com>
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

OK, thanks – we'll make that change.

From: Jeannie Evans <jeannie@hbsslw.com>
Sent: Thursday, December 28, 2023 7:02 PM
To: Turner, Serrin (NY) <Serrin.Turner@lw.com>; dsmith <dsmith@aureliuslawgroup.com>
Cc: Valenti, Matthew (NY) <Matthew.Valenti@lw.com>; Mester, Mark (CH) <mark.mester@lw.com>
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Serrin,

Defendants have our consent to file the motion regarding the briefing schedule as an “unopposed” motion (rather than an “agreed” or “joint” motion).

Plaintiffs would rather hold off on filing a joint or agreed motion at this point, while Defendants are not prepared to agree to the discovery schedule that Plaintiffs proposed earlier.

Please send the revised draft for our review before filing.

Thanks,
Jeannie

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From: Serrin.Turner@lw.com <Serrin.Turner@lw.com>
Sent: Wednesday, December 27, 2023 1:22 PM
To: Jeannie Evans <jeannie@hbsslw.com>; dsmith <dsmith@aureliuslawgroup.com>
Cc: Matthew.Valenti@lw.com; mark.mester@lw.com
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Jeannie,

Hope you are having a nice holiday season. Given that we are already in agreement on the briefing schedule, we don't see any reason to hold off on filing a motion for extension for Temu to respond to the complaint. To that end, attached is a draft for your review. Please confirm this is acceptable and we will get it on file. If you have any proposed edits, we are happy to consider them.

We also look forward to receiving the plaintiffs' account identifiers from you soon.

We're happy to connect regarding the joint status report once we get the above sorted, although, as we've already made clear, our position is that discovery should be stayed during the pendency of the motion to compel.

Thanks,
Serrin

From: Jeannie Evans <jeannie@hbsslaw.com>
Sent: Friday, December 22, 2023 4:05 PM
To: Turner, Serrin (NY) <Serrin.Turner@lw.com>; dsmith <dsmith@aureliuslawgroup.com>
Cc: Valenti, Matthew (NY) <Matthew.Valenti@lw.com>; Mester, Mark (CH) <mark.mester@lw.com>
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Serrin – With holiday travel schedules and otherwise, I am afraid we will not be able to get back to you this week, but we can connect in the new year.

Do you want to put something on the calendar for January 4 or 5 to discuss the motion for extension and joint status report?

We will get the account identifiers to you before that time, for preservation of records.

Happy Holidays,
Jeannie

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From: Serrin.Turner@lw.com <Serrin.Turner@lw.com>
Sent: Thursday, December 14, 2023 9:28 AM
To: Jeannie Evans <jeannie@hbsslaw.com>; dsmith <dsmith@aureliuslawgroup.com>
Cc: Matthew.Valenti@lw.com; mark.mester@lw.com
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

OK, thanks. We just wanted to make sure the information would be forthcoming. We'll wait to hear from you next week.

From: Jeannie Evans <jeannie@hbsslaw.com>
Sent: Thursday, December 14, 2023 10:22 AM
To: Turner, Serrin (NY) <Serrin.Turner@lw.com>; dsmith <dsmith@aureliuslawgroup.com>
Cc: Valenti, Matthew (NY) <Matthew.Valenti@lw.com>; Mester, Mark (CH) <mark.mester@lw.com>
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Serrin,

Yes, we continue to agree to stipulate to the briefing schedule we discussed. And we will send the client account identifiers. We intend to get back to you next week regarding this and other case management items. So we would like to hold off until then on submitting something with the court.

Best,
Jeannie

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Jeannie Evans | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

From: Serrin.Turner@lw.com <Serrin.Turner@lw.com>
Sent: Wednesday, December 13, 2023 3:59 PM
To: Jeannie Evans <jeannie@hbsslaw.com>; dsmith <dsmith@aureliuslawgroup.com>
Cc: Matthew.Valenti@lw.com; mark.mester@lw.com
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Jeannie / Doug –

We are writing in regard to two issues.

First, given that an initial status conference has not been scheduled yet, we think it makes sense to ask Judge Durkin to so-order our agreed-upon briefing schedule. While his individual practices ask that counsel “include an agreed briefing schedule with the motion,” by that time the motion is filed (February 9) Whaleco’s default deadline to respond under the FRCP would have lapsed. (As you’ll recall Whaleco and PDD have different default time periods to respond – 60 and 90 days respectively – and for the briefing schedule we picked a deadline for both of them that’s roughly in the middle of the two.) Can you confirm that you would consent to a motion for extension of the Whaleco response deadline that would ask Judge Durkin to order our briefing schedule? If so, we will put a draft together.

Separately, we wanted to follow up again on the Temu account identifiers for your clients. As explained previously, we need this information simply to identify who the plaintiffs are, so that we can, at a minimum, confirm each plaintiff used Temu and ensure we preserve associated records. Please let us know if you are still working on gathering that data and if there’s any additional information you need from us. Please also feel free to send this information to us on a rolling basis. If, on the other hand, you are no longer willing to provide this information for some reason, please let us know that, in which case we may bring this issue to the attention of the court. We think that Judge Durkin would prefer (and expect) that the parties would cooperate on this issue and that the basic information requested would be provided to defendants willingly.

Thanks,
Serrin

From: Turner, Serrin (NY)
Sent: Thursday, December 7, 2023 2:42 PM
To: 'Jeannie Evans' <jeannie@hbsslaw.com>; dsmith <dsmith@aureliuslawgroup.com>
Cc: Valenti, Matthew (NY) <Matthew.Valenti@lw.com>
Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Jeannie and Doug,

I wanted to follow up on our request that you provide account identifiers for each of the named plaintiffs. Please let us know if you expect to be able to send that over to us soon, or if there’s anything else you need from us to locate the information.

Thanks,
Serrin

From: Jeannie Evans <jeannie@hbsslaw.com>
Sent: Thursday, November 30, 2023 4:46 PM
To: Turner, Serrin (NY) <Serrin.Turner@lw.com>; dsmith <dsmith@aureliuslawgroup.com>

Cc: Valenti, Matthew (NY) <Matthew.Valenti@lw.com>

Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Got it. We will look into this.

Jeannie Evans | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

From: Serrin.Turner@lw.com <Serrin.Turner@lw.com>

Sent: Thursday, November 30, 2023 3:29 PM

To: Jeannie Evans <jeannie@hbsslaw.com>; dsmith <dsmith@aureliuslawgroup.com>

Cc: Matthew.Valenti@lw.com

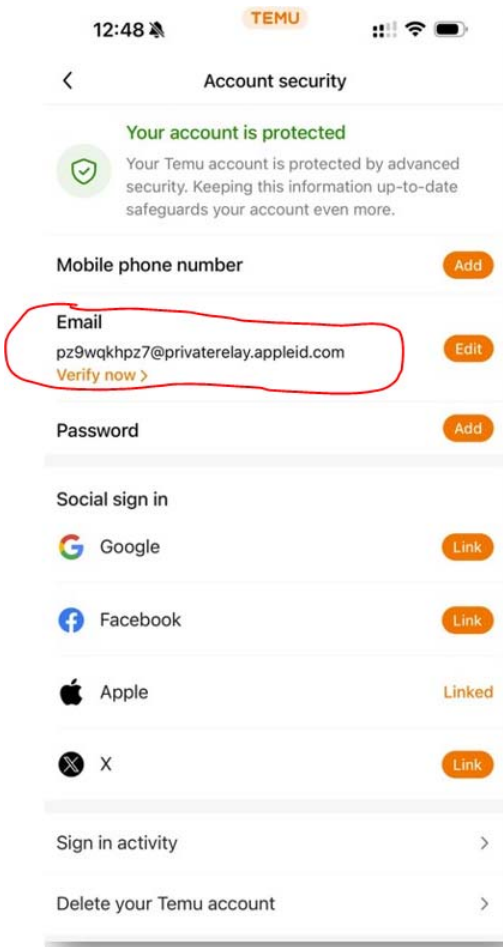
Subject: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Jeannie / Doug –

Thanks for the call today. As we mentioned, users can choose to sign up for Temu through Apple single-sign on, in which case Apple provides an alias email address that serves as the user's registration email. If any plaintiffs used Apple single sign-on to create their accounts, that alias email address is what we'll need in order to identify the account and locate/preserve their account records. It can be found within the app by clicking on the "You" icon, then clicking on "Settings," then clicking on "Account Security." An exemplar is below. You can either send us a screenshot of the screen or send us the email address listed there.

Please let us know if you have any questions.

Thanks,
Serrin



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